THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.17202 OF 2006

DATED: 10.09.2007

Between:

Sudhir Dutt S/o K.Dattatria Rao, Computer Operator
V.V.Evening College, Jambagh, Hyderabad
H.No.347, 3rd Floor, 4 block, Surya Saroja Apartments
Huda Complex, Kothapet, Hyderabad, R.R.District.

…Petitioner

A n d

The Hon. Secretary/Correspondent of V.V.Education Society
And VV Evening College, Jambagh, Hyderabad and another

…Respondents

ORDER:

This writ petition is filed seeking a *mandamus* declaring the action of the third respondent in passing the orders in Rc.1222/Admn-V-I/2006 dated 29.7.2006 rejecting the appeal filed by the petitioner on 8.5.2006 as arbitrary, illegal and contrary to the direction issued by this Court in Writ Petition No.13210 of 2006 dated 30.6.2006.

2. However, thereafter, the prayer in the writ petition was amended, in view of the fact that the petitioner had received another communication dated 22.8.2006.

3. It appears, the petitioner was a computer operator working with the first respondent management. His services were terminated on 3.4.2006. Aggrieved by the same, the petitioner carried the matter in appeal before the Director of Collegiate Education, Andhra Pradesh on 8.5.2006. It appears, when the appeal was not being disposed of, the petitioner was constrained to file Writ Petition No.13210 of 2006 and the same was disposed of on 13.6.2006 directing the third respondent to dispose of the appeal filed by the petitioner, after hearing him within a period of four weeks.

4. Now, the grievance of the petitioner is that he received two orders dated 29.7.2006, one saying that the appeal filed by him was rejected and the other one asking the petitioner to appear before Director of Collegiate Education on 5.8.2006 at 3 p.m. The order dated

29.7.2006 rejecting his appeal was received by him on 3.8.2006. Therefore, though he was asked to appear on 5.8.2006, he felt that no purpose would be served. As such, he did not appear on 5.8.2006. However, to his surprise, the appellate authority passed final order only on 28.8.2006 rejecting the appeal filed by the petitioner on merits. Therefore, the petitioner sought amendment of the prayer in this writ petition.

5. From the facts narrated above, it appears, there is some confusion in the communications sent to the petitioner by the office of the third respondent. In view of the fact that he has received a communication dated 29.7.2006 on 3.8.2006 rejecting his application, the petitioner cannot be said to be wrong in not appearing before the appellate authority on 5.8.2006. Under those circumstances, I am of the opinion that the appeal was not considered as directed by this Court, i.e. to hear him and pass appropriate orders as per law. Therefore, passing of the order dated 28.8.2006 is *ex facie* illegal and violative of principles of natural justice and contrary to the directions issued by this Court in W.P.No.13210 of 2006 dated 30.6.2006.

6. Therefore, the impugned order dated 28.8.2006 issued by the third respondent is set aside and the matter is remitted to the third respondent for fresh consideration after putting all the parties on notice and hearing them personally in this regard.

7. Accordingly, the writ petition is allowed. No costs.

C.V.RAMULU, J

10-09-2007
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